

JAN 18 2013

A BILL FOR AN ACT

RELATING TO NOTARIES PUBLIC.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 456-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§456-3 Seal.** Every notary public shall constantly keep
4 an engraved seal of office or a rubber stamp facsimile seal
5 which shall clearly show, when embossed, stamped, or impressed
6 upon a document, only the notary's name, the notary's commission
7 number, and the words, "notary public" and "State of Hawaii".

8 The notary public shall authenticate all the notary's official
9 acts, attestations, certificates, and instruments therewith, and
10 shall always add to an official signature the typed or printed
11 name of the notary and a statement showing the date that the
12 notary's commission expires. Upon resignation, death,
13 expiration of term of office without reappointment, or removal
14 from or abandonment of office, the notary public shall
15 immediately deliver the notary's seal to the attorney general
16 who shall deface or destroy the same. If any notary fails to
17 comply with this section within ninety days of the date of the
18 notary's resignation, expiration of term of office without



1 reappointment, or removal from or abandonment of office or if
2 the notary's personal representative fails to comply with this
3 section within ninety days of the notary's death, then the
4 notary public or the notary's personal representative shall
5 forfeit to the State not more than \$200, in the discretion of
6 the court, to be recovered in an action to be brought by the
7 attorney general on behalf of the State."

8 SECTION 2. Section 456-9, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§456-9 Fees and administrative fines.** (a) The attorney
11 general shall charge and collect the following fees for:

12 (1) Issuing the original commission, \$40; and

13 (2) Renewing the commission, \$40.

14 ~~[Notwithstanding the foregoing, the attorney general may~~
15 ~~establish and adjust fees]~~ These fees may be adjusted, and any
16 other fees may be established and adjusted, by adopting rules
17 pursuant to chapter 91.

18 (b) The court fees for filing a copy of a commission and
19 for each certificate of authentication shall be specified by the
20 supreme court.

21 (c) The attorney general may impose and collect the
22 following administrative fines for a notary public's failure to:



1 (1) Maintain an official seal of one type, either a single
2 engraved seal or a single rubber stamp facsimile seal,
3 on which shall be inscribed the name of the notary
4 public, the commission number of the notary public,
5 and the words "notary public" and "State of Hawaii"
6 only, \$20;

7 (2) Surrender the notary public's seal and certificate to
8 the attorney general within ninety days of
9 resignation, removal from office, or the expiration of
10 a term without renewal, \$200;

11 (3) Authenticate every acknowledgment or jurat with a
12 certificate that shall be signed and dated by the
13 notary, include the printed name and official stamp or
14 seal of the notary, identify the jurisdiction in which
15 the notarial act is performed, describe in close
16 proximity to the acknowledgment or jurat the document
17 being notarized, and state the number of pages and
18 date of the document, \$500;

19 (4) Record all of the notary public's transactions as
20 prescribed by section 456-15 and applicable rules,
21 \$200;



(5) Surrender the notary public's record books to the attorney general within ninety days of the end date of the commission, resignation, or removal from office, \$500; and

(6) Notify the attorney general within ten days after loss, misplacement, or theft of the notary public's seal, stamp, or any record book, inform the appropriate law enforcement agency in the case of theft, and deliver a copy of the law enforcement agency's report of the theft to the attorney general, \$20.

(d) The foregoing moneys collected by the attorney general pursuant to this section shall be deposited into the notaries public revolving fund established by section 456-9.5, except that if that fund is terminated, the foregoing moneys shall thereafter be deposited with the director of finance to the credit of the general fund."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Cham Hce



Report Title:

Notaries Public

Description:

Clarifies the information required to be on notary seals, authorizes the attorney general to adjust notary commission and renewal fees, and authorizes other fees related to the regulation of notaries public to be established and adjusted by rules.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

